

REMARKS

A request for continued examination is being filed with this preliminary amendment. Claims 1-3, 5-11, 13-21, and 25 are pending. Claims 1, 5-8, 13, 14, and 18-21 have been amended. No new matter has been introduced with these amendments. Support for the amendments can be found throughout the specification, specifically at page 34, line 19 to page 40, line 22.

The claims of the instant application are patentable. In previous prosecution, the pending claims had been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tischer et al., U.S. Patent No. 5,194,596. To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986).

The pending claims are novel over the cited art because the Tischer patent does not teach a vascular endothelial growth factor (VEGF) dimer comprising a first and second monomer, wherein at least one monomer has an Asn-to-Glu amino acid substitution at or corresponding to position 75 of SEQ ID NO: 1. The Tischer patent discusses non-glycosylated forms of VEGF and even identified an asparagine at the relevant position as being part of the VEGF glycosylation site. However, the Tischer patent does not expressly teach or suggest the particular amino acid substitution recited in the pending claims. As such, the Tischer patent fails to teach all the limitations of the claimed invention. Therefore, the Tischer patent cannot anticipate the claimed invention.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Application No.: 09/575,199

Docket No.: 219002031120

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 219002031120.

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Respectfully submitted,

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